

The guiding means includes a plurality of guide devices and a groove with one of the guide devices being fixed relative to the cutting tool and the remaining guide devices of being movable relative to the cutting tool, so that when the carrier is moved the plurality of guide devices enter the groove with an interaction between the groove and the guide devices which cause the carrier to adopt and follow the transverse, predetermined variable path, thereby permitting an accurate cut of a complex shape from the workpiece material.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient apparatus and method for cutting complex shapes from wood, or another workpiece material, either disclosed or suggested.

By the present amendments, Applicant has cancelled prior pending Claims 1-13 and 15-20 (Claims 14 and 21 having been previously) cancelled and have substituted therefor new Claims 22-37, of which Claim 22 is an independent apparatus claim and Claim 33 is a corresponding independent method claim. Independent Claim 22 substantially incorporates the features of prior dependent Claim 2, which the Examiner has indicated to be allowable over the prior art, and specifically recites the combination of the groove and the associated guide devices for achieving the benefits of the present invention. Such a combination is neither disclosed nor suggested in the prior art and, in view of the Examiner's indi-

cated allowance of various dependent apparatus claims as part of the first Office Action, Applicant respectfully contends that apparatus Claims 22-32 are now in condition for allowance at this time. As for new method Claims 33-37, new independent Claim 33 incorporates the allowable subject matter of prior dependent Claim 16 and, consequently, it is now submitted that new method Claims 33-37 are in condition for allowance at this time.

In drafting new Claims 22-37, Applicant has taken into consideration the Examiner's claim objections and the 35 U.S.C. §112, second paragraph, indefiniteness rejection of Claims 2-13 and 15-20. Applicant has ensured that all claim elements and appropriate terminology has a clear antecedent basis. Applicant does, however, wish to point out that the indefiniteness rejection, as it pertained to prior independent method Claim 15, held that "the steps," as appearing at lines 2-3, lacked a sufficient antecedent basis. As in new independent Claim 33, the transitional phrase of the method claim reads "comprising the steps of" and properly utilizes the definite article "the," which is not a part of the body of the claim and does not reference a particular claim element.

In view of the presentation of new Claims 22-37, Applicant respectfully contends that the Examiner's claim objections and 35 U.S.C. §112, second paragraph, indefiniteness

rejection of the first Office Action has been overcome and should now be appropriately withdrawn.

As part of the instant Response, Applicant has amended the Title of the Invention, as suggested by the Examiner, and has amended the Specification in order to correct various typographical errors pertaining to the reference numerals for the drawing figures. Specifically, reference numeral "50" and "51" are the saw blade and base of the saw, respectively.

In the first Office Action, the Examiner had objected to the drawing figures of record, pursuant to 37 C.F.R. §1.84(p)(5) on the ground that reference numerals "50" and "51" were included in the drawing figures, but not mentioned in the textual Specification. This drawing objection resulted from a typographical error that used "40" and "41," instead of "50" and "51," respectively, to refer to the saw blade and its base. In view of the corrections entered to the Specification, withdrawal of the 37 C.F.R. §1.84(p)(5) drawing objection is respectfully requested.

Separately, the Examiner objected to the drawing figures under 37 C.F.R. §1.83(a) on the ground that the subject matter recited in prior Claims 12 and 13 was not illustrated. The newly-drafted claims do not include the subject matter of Claims 12 and 13 and, thus, it is submitted that the 37 C.F.R. drawing objection of the first Office Action is moot.

In addition to correcting the foregoing reference numerals, other reference numerals were amended to conform to the drawing figures and for consistency in the text.

A "marked-up" version of the amendments to the Specification is attached to this Response.

Turning now, in detail, to an analysis of the Examiner's prior art rejection of Applicant's claims, in the first Office Action the Examiner rejected the subject matter of prior apparatus Claims 1, 6, 11 and 15, and of prior method Claims 17-19, as being anticipated, pursuant to 35 U.S.C. §102(b), by Suwitoadji, U.S. Patent No. 5,038,646. It is, essentially, the Examiner's contention that Suwitoadji discloses a cutting tool with a carrier and guide means for moving the carrier passed the cutting tool in a manner recited by the claims enumerated in the anticipation rejection.

In reply to the Examiner's anticipation rejection, new independent apparatus Claim 22 (and new dependent Claims 23-32) recites the combination of a groove and a plurality of guide devices, which is neither disclosed nor suggested by Suwitoadji, in which ". . . one guide device of said plurality of guide devices [is] fixed relative to said cutting tool and remaining guide devices of said plurality of guide devices [are] movable relative to said cutting tool, so that when said carrier is moved said plurality of guide de-

vices enter the groove with an interaction between the groove and the plurality of guide devices causing said carrier to adopt and follow said transverse, predetermined variable path." This subject matter, it is submitted, has been recited in various claims which the Examiner has held to be allowable over the prior art and, consequently, in view of the lack of any suggestion in Suwitoadji of a guide means/groove/carrier combination as claimed by the instant Applicant, it is respectfully submitted that new apparatus Claims 22-32 are neither anticipated by, nor rendered obvious over, the applied prior art and are now in condition for allowance.

New method Claims 33-37 incorporate the subject matter of prior method Claim 16, which the Examiner has held to be allowable over the prior art. Accordingly, it is submitted that the anticipation rejection of the first Office Action would not even be applicable to the newly-presented method claims.

Hence, withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection of the first Office Action, which applies Suwitoadji, to the extent it might have otherwise been applicable to new Claims 22-37, is respectfully requested to be withdrawn.

Concerning, finally, the remaining reference made of record by the Examiner, but not applied in any rejection of Applicant's claims, such additional art reference has been



carefully considered, but are not believed to adversely affect the patentability of the present invention, as claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (i.e., Claims 22-37) recite a novel and efficient apparatus and method for cutting complex shapes from wood, or another workpiece material, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding objections and rejections and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

CON ANTON

By

Edwin D. Schindler
Attorney for Applicant
Reg. No. 31,459

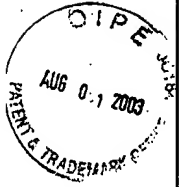
Five Hirsch Avenue
P. O. Box 966
Coram, New York 11727-0966

(631)474-5373

July 29, 2003

- Enc.: 1. Petition for Three-Month Extension of time;
2. Check for \$465.00 (Three-Month Extension Fee); and,
3. "Marked-Up" Version of Amendments to Specification.

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.



VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE
(Dated July 29, 2003)

IN THE SPECIFICATION

Please amend the Specification as follows:

Page 2, lines 13-15, rewrite this paragraph to now read as follows:

--The concept of the invention to move timber past the blade [40] 50 of a band saw [41] 51 in such a way as to cut the timber to a predetermined shape without the operator necessarily having great skill with the use of the saw.--

Page 2, line 23 - Page 3, line 3, rewrite this paragraph to now read as follows:

--In may be preferred that the side of the carrier, which is directed towards the blade, has a similar curve 13 which, in use, terminates just before the blade [40] 50 so that [whilst] while the carrier 10 is moved past the blade, there is no direct contact between the blade and the carrier, but at all times, the carrier is close to the blade to give good support to timber or similar material 14 located on the carrier.--

Page 4, lines 7-11, rewrite this paragraph to now read as follows:

--As illustrated, in Figure 6, the guide members 21 can be located on a plate 20, which is adapted to be set into the

MARKED-UP AMENDMENTS-1

base [41] 51 of the band saw, or [I may provide] an auxiliary base adapted to fit over the saw's original base [,] can be provided, which auxiliary base is provided with a pair of guide members 21. As illustrated, the guide members 21 may be rollers, having their axes normal to the base and which are spaced apart along a line parallel to the blade of the saw.--

Page 4, lines 19-26, rewrite this paragraph to now read as follows:

--In a modified form of the invention, [I may prefer to have] the guide members can be located in a slot along which they are moveable and the members are made biased towards the opposite sides of the slot. In this arrangement, the optimum positioning of the guide members will occur automatically. Where the members are moving along a line effectively parallel to the saw blade, they will adopt positions at [the] each side of the slot, as the curve becomes sharper, they will move closer together against their bias and the degree of movement will depend on the sharpness of the curve. When the curve again becomes shallower, they will move apart.--

Page 5, lines 10-12, rewrite this paragraph to now read as follows:

--This location can be achieved by the use of the stop member 40 which, after location has been completed, may be removed

MARKED-UP AMENDMENTS-2

so as to cause no obstruction to the movement of the saw blade [40.] 50.--

Page 5, lines 18-24, rewrite this paragraph to now read as follows:

--If, of course, a cut is being made for a second side of a member, assuming a member is to be symmetrical, then the timber must extend from the carrier by a distance equal to the required width of the member to be manufactured. This can be controlled by the location of the stop [41] 40 and the manipulation of the knob 37, which causes the timber to be moved over the surface of the carrier and outwardly therefrom. Thus, by variation of the position of the stop [41,] 40, or control of the rack knob 37, the width of the timber being cut can be varied.--